IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 648 OF 2006
IN
CRI. APPEAL NO. 549 OF 2005

Laxman Namdeo Chavan .. Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr. D.G.Khamkar for the Applicant.

Mrs. V.R. Bhosale, APP for the Respondent- State.

CORAM : D. G. DESHPANDE
S. A. BOBDE, JJ.

DATED : 24TH JULY, 2006.

P.C.:

1. Heard the learned Advocate for the Applicant-Accused and learned APP for the Respondent State.

2. This is an application for bail by accused No.1, who is a son of the victim. The conviction of the applicant accused along with his wife is based mainly on two dying declarations. Copies of both the dying declarations are annexed by the accused No.1 with this application. There is material variance and contradiction in both the dying declarations. In the first dying declaration, recorded by the police, the mother of the accused has stated that her son i.e.

accused No.1 poured kerosene on her and other accused, the daughter -in-law ignited the matchstick. In the second dying declaration all the role is attributed to the accused No.2. In view of this material inconsistency, accused No.1 is entitled to be released on bail. Hence, the following order.

ORDER

i. The application of the applicant - accused for bail is allowed.

ii. The applicant-accused be released on P.R. Bond of Rs.10,000/- (Rs.Ten thousand) with one or two solvent sureties in the like amount. The applicant accused shall attend the concerned police station once in the first week of every month till the Appeal is disposed of. His substantive sentence is suspended pending the Appeal. Fine, if any, to be paid before his release on bail.

iii. Criminal Application for bail is disposed of in the above terms.

(D.G.DESHPANDE,J)

(S.A. BOBDE, J)

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